THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.16517 OF 2005

Dated 28th July 2005

Between:

Karri Naresh Babu S/o Bojjaiah, & 2 others

…Petitioners

And

The District Collector, East Godavari District, at Kakinada,

and 2 others.

…Respondents

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O R D E R:

The three petitioners are sons of one Sri Karri Bojjaiah, son of Surya Rao. They claim to have submitted an application to the Mandal Revenue Officer, Addategala, the third respondent, on 8.6.2005, for issuance of a Caste Certificate. It is their case that they belong to Konda Kapu community, which is classified as Scheduled Tribe. They complain that no action has been taken on their application, and on account of the same, they are put to hardship, in the matter of pursuing their further education.

Sri D.V.Nagarjuna Babu, learned counsel for the petitioners, submits that the petitioners are entitled to be granted the Caste Certificate, in view of various judgments, rendered by this Court.

Learned Government Pleader for Social Welfare, who took notice at the stage of admission, submits that there is nothing on record to disclose that the application has been received by the third respondent.

The grievance of the petitioners is that their application, for grant of Caste Certificate, is not being considered. Though a copy of the application, dated 8.6.2005, is placed before this court, there is nothing on record, to disclose that it has been received by the office of the third respondent. The Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993 (for short "the Act") and the Rules, made thereunder, prescribe a detailed procedure, in the matter of grant of Caste Certificates. It is too early for this court, to make any observation, as to the entitlement of the petitioners. The application of the petitioner cannot be kept pending indefinitely, nor the authorities can refuse to receive it.

Hence, the writ petition is disposed of, leaving it open to the petitioners, to submit a fresh application, in the form prescribed under the Act and Rules, together with necessary enclosures, to the third respondent, and on receiving the same, the third respondent shall pass appropriate orders, within a period of two months, thereafter. There shall be no order as to costs.

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28th July 2005

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